IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.5473/2000.

United India Insurance Co. Ltd. **VERSUS** Kailash & Ors.

15.11.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mrs.Poornima Sharma on behalf of
Mr.Dinesh Kala, for the petitioner.
Ms.Shilpi Gupta on behalf of
Mr.R.K.Mathur, for the respondent No.5.

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While issuing notices to the respondent No.5 on 14.12.2000, following order was passed:-

> "Issue notice confined to respondent No.5 Anil Kumar who is the owner of the vehicle which caused accident. Notice be made returnable within a period of two weeks. It is made clear that whatever amount is paid by the petitioner-Insurance Co. to the claimant shall be recoverable from respondent No.5-the owner of the vehicle, in case this writ petition is allowed. However this order is subject to confirmation after hearing the counsel for the respondent No.5-the owner of the vehicle."

Learned counsel for the parties are not in a position to state whether the claim petitioner has been decided or not.

In case, the said claim petition has not been decided, the petitioner would be at liberty to raise all these grounds which have been raised in the present writ

petition before the learned Tribunal. However, in case, the petitioner's claim has already been decided, the petitioner would be free to raise the grounds in appeal, if not already raised.

Subject to the aforesaid, the writ petition is disposed of. The order dated 14.12.2000 is confirmed. The writ petition as well as the stay application stand disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.